

REMARKS

By the foregoing amendment, applicants are adopting the Examiner's suggestion, as stated on page 2 of the final Office action, so as to avoid the rejection of claim 9 under 35 U.S.C. 112. Also, claims 1, 2, 3, 7 and 8 are to be cancelled so that only claims 5, 6 and 9 would remain for consideration. Accordingly, entry of the proposed amendment submitted herewith is expected, since it does not involve introduction of any new issues. Furthermore, claims 5, 6 and 9 embody limitations not present in claims 1, 2, 3, 7 and 8 to be cancelled, so as to more definitely distinguish in a patentable sense over the prior art references of record as hereinafter pointed out.

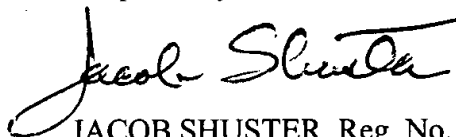
In regard to applicants' arguments of record relative to increasing the strength of the ductile alloy by selection of the inert cover gas, hindsight speculation is relied by the Examiner, since none of the prior art references even mentions increasing strength, as conceded of record by the Examiner. Furthermore, on page 4 of the final Office action the Examiner contends without any suitable basis that: "By using the technique--for atomizing the-alloy--the ductility and the strength--will be higher--". Since the prior art reference fail to even refer to the broad concept of using inert cover gas to increase strength of the ductile alloy, the disclosures in such prior art reference definitely cannot form a proper basis for an obviousness judgment with respect to the more specific limitations to which claims 5, 6 and 9 are limited involving the extent to which strength is increased. Accordingly, the final rejections as stated with respect to claims 5, 6 and 9 are not applicable thereto since no mention is even made in regard thereto, despite applicants' arguments of record in regard thereto. Thus, claim 5 and 9 specify: "increase in strength--the ductile alloy--from a yield strength of less than 145 Ksi". Claim 6 dependent from claim 5, further limits the extent of strength increase by specifying "to effect said increase--with ductility improved from less than 25% tensile elongation". Claim 9 further limits strength increase to selection of a certain amount of the corrosion-resisting material. Thus, claim 9 specifies in this

regard: "casting exclusively limited to: a corrosion-resisting material constituting between 48% and 52%--for increase in strength thereof" (ductile alloy).

It is apparent from the foregoing that critical limitations of claims 5, 6 and 9 emphasizing strength increase, have not been dealt with in the final rejections of claims 5, 6 and 9 as stated in the final Office action, despite applicants' arguments of record pertaining thereto, which were presented for consideration prior to the final Office action. Furthermore, study of the prior art references will reveal that they utterly fail to teach or suggest the particular extent of strength increase to which claims 5, 6 and 9 are limited, as heretofore referred to involving: (a) "yield strength of less than 145 Ksi", (b) ductility improved from less than 25% tensile strength" and (c) "Material--between 48% and 52%". Accordingly, withdrawal of final rejections of claims 5, 6 and 9 in favor and an allowance thereof, is in order.

In view of the foregoing reasons, the Examiner is respectfully urged to render another Office action in response hereto, indicating an allowance of claims 5, 6 and 9.

Respectfully submitted,



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MARKED-UP VERSION OF AMENDMENTS
TO THE CLAIMS

Cancel claims 1, 2, 3, 7 and 8 without prejudice.

Rewrite claim 9 as follows:

9. (Amended) In a method of coating a surface with a ductile alloy; the improvement residing in: casting onto said surface a molten stream exclusively limited to: a corrosion-resisting material constituting between 48% and 52% of the ductile alloy undergoing heating during said casting for increase in strength thereof[;] and a base metal; and selecting an inert cover gas [selected] to atomize the molten stream into a spray of droplets for deposit onto the surface thereby effecting said increase in strength of the ductile alloy during said casting from a yield strength of less than 145 ksi.